

with a second skin, wherein each dough portion also has an outer periphery at its second skin that is of a shape capable of being nested within other similarly shaped geometric figures and a smaller different shaped outer peripheral shape at its first skin.

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76. (New) The dough products of claim 75, wherein the second skin outer periphery is hexagonal and the first skin outer periphery is substantially round.

77. (New) The dough products of claim 76, wherein the dough products are unbaked.

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#### REMARKS

The above new claims are submitted with the following remarks to be fully responsive to the final Office Action dated February 13, 2001. It is further submitted that this response and the Request for Continued Prosecution to which this response is attached are timely filed in the shortened-statutory period as extended by the One-Month Extension of Time filed concurrently herewith. Reconsideration of all outstanding grounds of the rejection and allowance of the subject application are believed in order and respectfully requested.

The final Office Action dated February 13, 2001, has been received and carefully reviewed. In light thereof, Applicant respectfully submits new claims 60-77, which Applicant believes more sufficiently present that which Applicant believes the invention, i.e., a dough cutter comprising a blunt edge cutting portion which can be employed to not only cut, but to cut and shape, a dough sheet. Moreover, it is submitted that new claims 60-77 overcome the points of indefiniteness that were raised by the Examiner under 35 USC 112, second paragraph with respect to claims 1-57 and 59 that have been cancelled by this response. It is further submitted that the cancellation of claim 58 is fully responsive to the requirement asserted by the Examiner with regard to the earlier restriction/ election requirement. Accordingly, it is submitted that all outstanding grounds of rejection are obviated and that the present application is now in condition for allowance.

The Examiner had asserted that the cancelled claims were anticipated by or obvious under a number of prior art references. Specifically, the Examiner asserted that US 5,687,638 (Makowecki), US 4,808,104 (D'Orlando) and FR 2,195,892 (FR '892) each anticipated certain claims, including all of the independent claims 1, 41, 52, 53, and 59 and many of the dependent claims and rendered obvious other dependent claims when combined with other references.

Applicant's invention, as now recited in claims 60-77, relates to a dough cutter (claims 60-70), method of cutting dough (claims 71-74), as well as dough products that are produced by the dough cutter (claims 75-77). Specifically, and as is now recited in claim 60, the cutting apparatus of Applicant's invention comprises a cutter having at least one blunt dough engaging portion having a thickness of at least approximately 6mm (0.25 inches). As noted in the background of Applicant's specification, prior to Applicant's invention, common knowledge dictated that cutting surfaces were desirably thin, i.e., 1/32 of an inch or less. Applicant's cutter can further be described, as is now recited in claim 61, as having a radius of curvature of at least 3mm (1/8 of an inch), so that the corners of the blunt edge engaging portion are sufficiently rounded so that when the blunt dough engaging portion is brought into contact with a dough sheet, the top surface of the dough is stretched toward the bottom surface of the dough until the two are effectively sealed together prior to the blunt dough portion severing the dough sheet. In certain preferred embodiments, the blunt dough engaging portion can include, a flat surface, an angled surface or an additional cutting edge, so that the aforementioned stretching occurs, but yet, that step of the dough is rendered easier, as is now recited in claim 67.

sharp edge?

Advantageously, the principles of Applicant's invention can be applied to many apparatus'/methods. For example, such a cutter is accordance with Applicant's invention can be mounted on rotatable drum, a reciprocating head, or a walking head depending on the desired end application or apparatus in which the cutter is to be used. Such cutters, when utilized in any apparatus or application, are useful in methods to produce dough products having an aesthetically pleasing appearance as is now recited in claims 75-77.

In one particular preferred embodiment, Applicant's invention can be employed in a cutting apparatus as now recited in claims 68-70 i.e., having a plurality of structures with an outer periphery having a first geometric shape capable of being nested within

other like geometric shapes and with an inner periphery having a geometry useful to produce a dough product of a different desired shape. For example, and as is recited in claim 60, the outer periphery may have a hexagonal shape so that, as shown in Figures 11A and 14B, a plurality of these structures may be interconnected in a way to minimize or eliminate space in between the structures, and the inner periphery may be a substantially circular shape, as is desired for many dough products. When applied to a dough sheet, the blunt dough engaging surface of the inner periphery will act to stretch a first surface of the dough toward a second surface of the dough until the two are effectively pinched together, while the edge of the outer periphery will act to sever the dough product from the dough sheet with the surfaces having been so sealed. The resulting dough product will have the appearance of a rounded dome or ball, having a shape of its bottom surface as a thin hexagonal flange. However, upon the further processing of the dough product, as now recited in claim 74, the dough product will enlarge, retaining the dome or ball shape, and the thin hexagonal flange will become substantially hidden on the bottom surface of the dough product. The embodiment thus provides the additional advantage of being capable of producing a rounded, aesthetically pleasing dough product, while yet resulting in very minimal waste. In contrast, directly cutting out rounded dough pieces from a dough sheet results in a grid-like structure of waste dough.

Briefly, then, it can be said that Applicant's invention provides a dough cutting apparatus and method that can be used to not only to cut, but to cut and shape the dough in one processing step, thereby producing an aesthetically pleasing dough product. The novel cutter and method are able to perform these two functions in one processing step by virtue of the inclusion in the dough shaping surface of the blunt edge cutting portion, which provides the above described stretching and shaping function. That is, Applicant's invention is based at least partially on Applicant's discovery that a blunt edge with a dough shaping surface can not only be used to cut dough, but can also advantageously result in the shaping of the dough to provide the dough with aesthetically pleasing or desired shapes.

None of the references cited by the Examiner teach that cutting can be achieved by a blunt cutting surface, much less even recognize that cutting and shaping can be

achieved in one process step by employing such a blunt surface. Rather, each reference teaches an apparatus and/or method that can be used to cut dough that cuts the dough with a conventional-type cutter edge. That is, they do not utilize a blunt edge that functions as presently claimed.

According to the Makowecki reference, filled food products having layers of pasta dough are formed and made into pieces, such as ravioli pieces. The food products are cut by the cutting edge 39, not by the sealing lips 41. The sealing lips 41 merely urge the pasta layers together at the pasta piece edges. This is hardly a cutting operation that eventually results in a cutting after a dough layer having oppositely facing skins are pinched together. Moreover, claim 1 sets out a non-perpendicular portion, whereas the Makowecki reference orients the sealing lips 41 perpendicular to the extension of the cutting edge 39. Accordingly, it is submitted that the claim 60-77 are clearly patentably distinct from the Makowecki reference.

As to the FR '892 reference, the same analysis applies in that the cutting edges, see Figure 5, are nothing more than conventional cutting edges. The other surfaces are not part of the cutting operation, nor do they operate as presently claimed. It is also submitted that they would not operate as claimed because of the design and use of the conventional cutting edges. That is, the cutting edges will control the cutting without the effect desired in accordance with the present invention. Accordingly, it is submitted that the claim 60-77 are clearly patentably distinct from the FR '892 reference.

The D'Orlando reference is even less relevant. Its cutting edge 14 controls the cutting of the pie dough. The rest of the device does not shape the cut dough piece, i.e. the pie shaped dough. Accordingly, the D'Orlando reference cannot anticipate or render obvious the presently claimed invention.

In summary, none of the Examiner's cited references teach or suggest a cutter having a blunt edge or method utilizing such a blunt edge cutter that, by virtue of their use in a single processing step, can both shape and cut a dough sheet to produce aesthetically pleasing individual dough products.

### **CONCLUSION**

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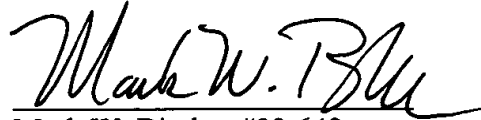
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In view of the above remarks, it is respectfully submitted that the claims and the present application are now in condition for allowance. Approval of the application and allowance of the claims is earnestly solicited. In the event that a phone conference between the examiner and the Applicant's undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact said attorney at (651) 351-2900.

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By:

Respectfully Submitted,



Mark W. Binder, #32,642

Kagan Binder, PLLC

Suite 200, Maple Island Building

221 Main Street North

Stillwater, MN 55082

Phone: 651-351-2900

Facsimile: 651-351-2954

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